



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 4545-99

13 December 1999

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 13 June 1985 at the age of 20. Your record reflects that you served for almost two years without disciplinary incident but on 17 April 1987 you received nonjudicial punishment (NJP) for a nine day period of unauthorized absence (UA) and missing the movement of your ship. The punishment imposed was extra duty and restriction for 30 days and reduction to paygrade E-2. The paygrade reduction was suspended for six months. On 7 May 1987 you received NJP for dereliction in the performance of your duty. The punishment imposed was forfeitures totalling \$369, restriction and extra duty for 30 days, and vacation of the suspended reduction to paygrade E-2 imposed on 17 April 1987. However, the paygrade reduction was again suspended for six months. Approximately a month later, on 2 June 1987, you received NJP for seven incidents of failure to obey a lawful order. The punishment imposed was restriction and extra duty for 12 days.

Subsequently, on 17 June 1987, you were notified of pending administration separation action by reason of misconduct due to a pattern of misconduct. At this time you waived your rights to

consult with legal counsel, submit a statement in rebuttal to the separation, or present your case to an administrative discharge board. On 1 July 1987 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to a pattern of misconduct. The discharge authority approved the foregoing recommendation and on 31 July 1987 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded to honorable. The Board also considered your contentions that your discharge was based on incorrect information and that you would have completed your term of service if not for some senseless actions. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contentions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director